

**Zoning Code Update
Town of St. Michaels, MD
Summary of Major Revisions**

Public Forum

Update Committee

Planning Commission:

- Jefferson Knapp, Planning Commission Chair
- Helen Levin, member
- Paulette Florio, member
- Carol Parlette, member
- Christopher Thomas, member

Town Commissioners:

- Dennis Glackin, Town Commissioner
- Joyce Harrod, Town Commissioner

Staff:

- Jean Weisman, Town Clerk, Manager
- Kymberly Kudla, Zoning Inspector
- Sarah Abel, former Zoning Inspector

Consultant:

- Peter Johnston & Associates, LLC

Update Objective

- Implement recommendations of the *2015 Comprehensive Plan*;
- Revise standards to reflect actual development patterns;
- Allow more administrative flexibility;
- Eliminate inconsistencies, redundancies;
- Eliminate vague and unnecessary standards; and
- Address requirements as a result of changes to State regulations (e.g., Land Use Article, Critical Area Regulations).

****NOTE: No changes to the Official Zoning Map**

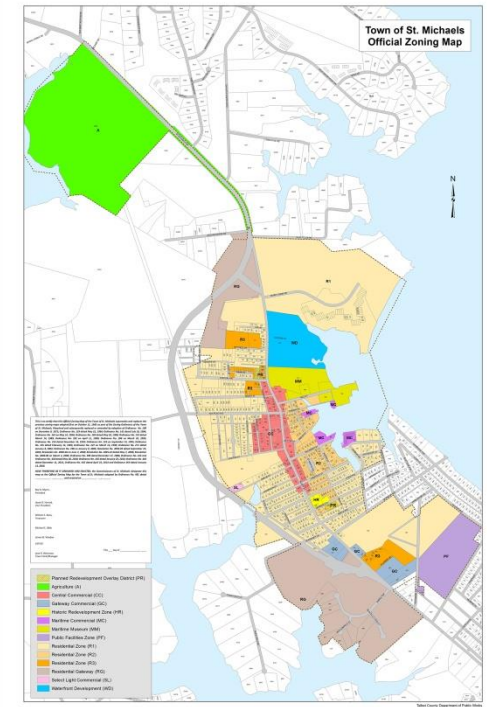
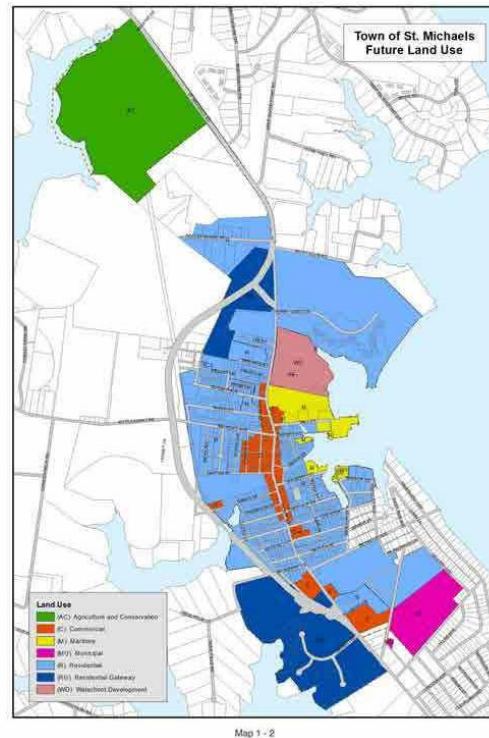
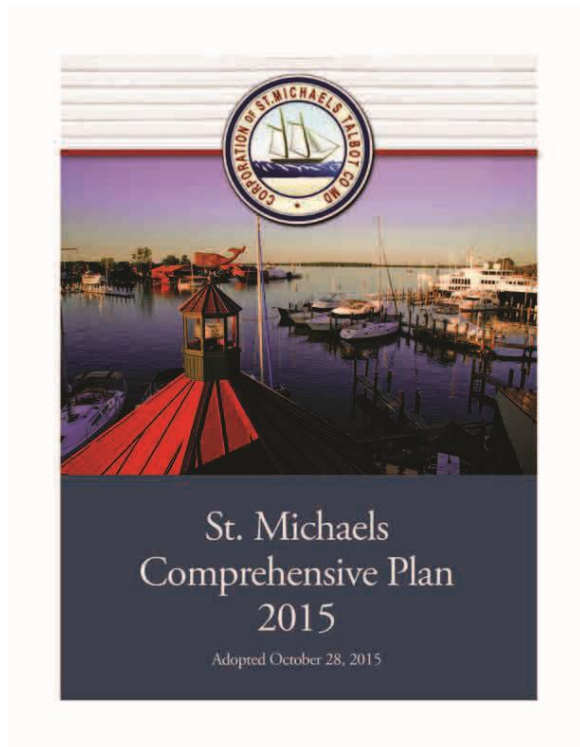
Public Involvement - Zoning survey

- Mailed to approximately 750 addresses (all property owners in Town, and business operators) and available on the Town's website. 250 full or partial responses received.
- 62% of respondents year-round residents of St. Michaels, and 23% part-time residents. 15% lived outside of the Town limits but within Talbot County.
- 76% owned one or more residences in the Town and 9% owned or operated businesses. 5% owned both a residence and a business, and 6% checked none of the above.
- 79% lived in owner-occupied homes, while 5% were renters. The remainder did not live within the town limits.
- 11% were 26-45 years old; 38% were 46-64 years old, and 46% were 65 years of age or older. Only two people under 25 years of age responded.

2015 St. Michaels Comprehensive Plan Recommendations

1.3 Ensure Town codes are effective, enforced, and simplified to the extent possible.

1.3.1 Conduct a comprehensive review of the Zoning Ordinance.



Reflect Historic Development Patterns

2015 St. Michaels Comprehensive Plan

8.2.2 Evaluate the zoning ordinance to allow consideration for historic character in reviewing variances for front lot line setbacks and to allow consideration for historic character in side and rear lot line setbacks for accessory structures.



Existing Development Patterns

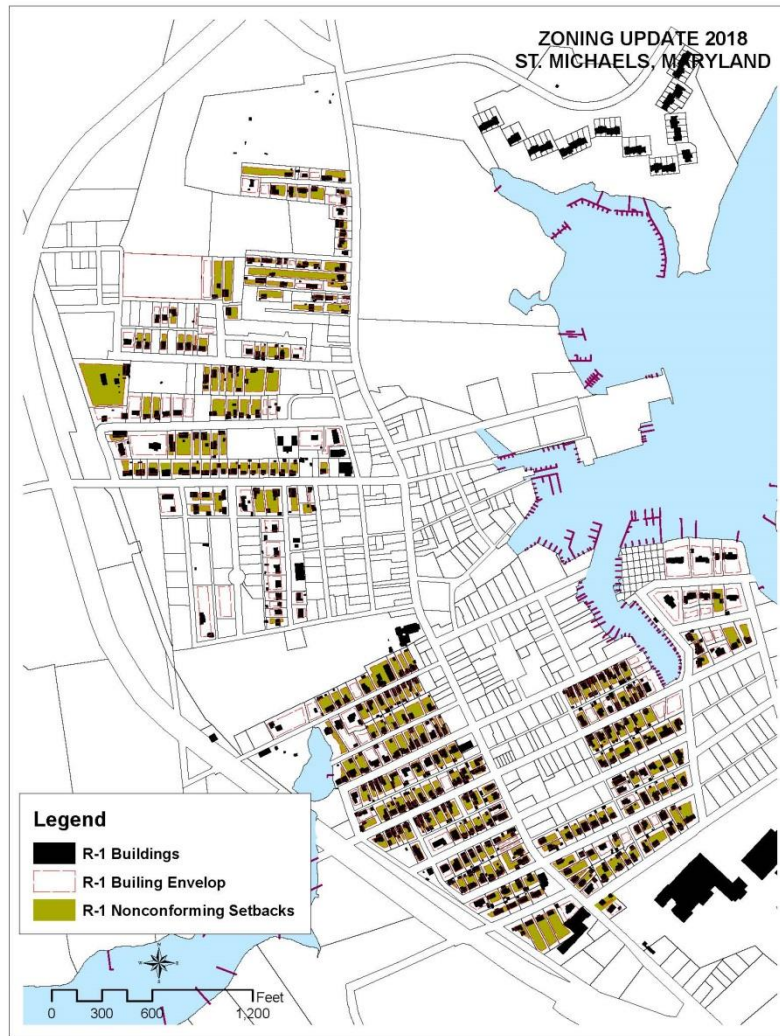
Residential 1 Zone (R-1):

- Over 40 percent of the R-1 lots are less than the minimum 7,200 square feet required by code
- 213 parcels with lot area less than 7,200 square feet have an average lot area of approximately 5,300 square feet

Residential 2 Zone (R-2):

- 30 percent of the R-2 lots are less than the minimum 5,000 square feet required by code
- 38 parcels with lot area less than 5,000 square feet have an average lot area of approximately 3,450 square feet

Existing Development Patterns



Version 7-23-18

Residential R-1 Zone

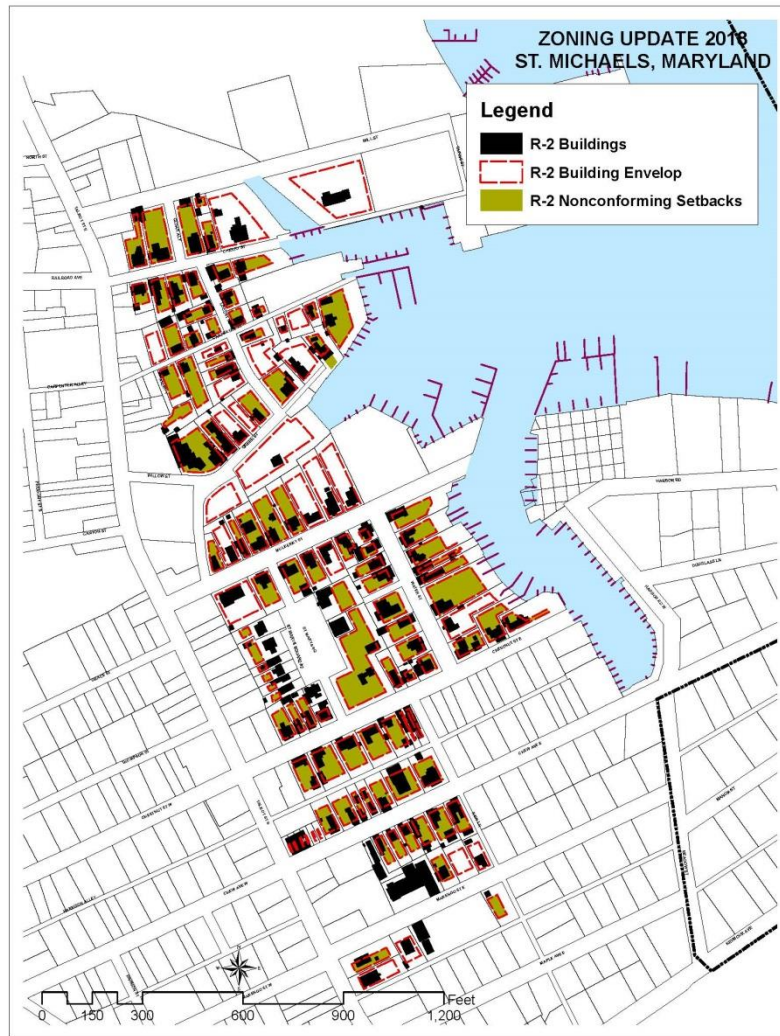
Single Family Lots 360

Non-conforming 269

% Non-conforming 75%

- Approximately 18 percent of all R-1 lot are less than 50 feet wide
- Over three quarters of R-1 lots are nonconforming for setback requirements

Existing Development Patterns



Version 7-23-18

Residential R-2 Zone

Single Family Lots 124

Non-conforming 98

% Non-conforming 79%

- **Over three quarters on R-2 lots are nonconforming for setback requirements**

Existing Development Patterns

Current Development Standards

§ 340-103. Table of Lot Height, Area, and Bulk Requirements.

	Minimum lot	Yard requirements			
Zoning District	Area (sq. ft.) per unit	Front	Side	Aggregate	Rear
R-1					
Single-family	7,200	Varies	8	20	25
Duplex	3,500	Varies	8	20	25
R-2					
Single-family	5,000	Varies	6	15	25
Duplex	3,000	Varies	6	15	25

Existing Development Patterns

Proposed Development Standards

§ 340-104. Table of Lot, Height, Area, and Bulk Requirements.

	Minimum lot	Yard requirements			
	Area (sq. ft.) per unit	Front	Side	Aggregate	Rear
Zoning District					
R-1					
Single-family	6,000	6	8	20	25
Duplex	3,500	6	8	20	25
R-2					
Single-family	5,000	6	6	15	25
Duplex	3,000	6	6	15	25

Administrative Flexibility

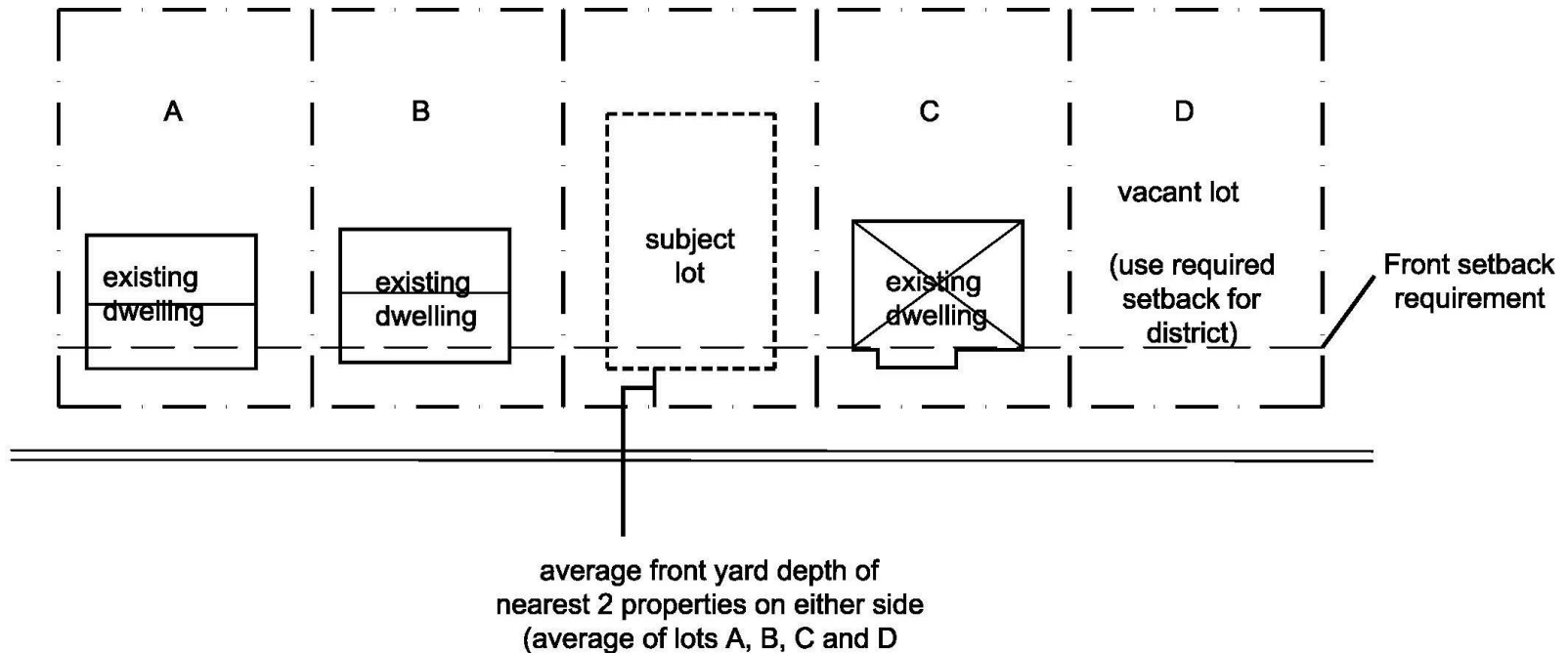
2015 St. Michaels Comprehensive Plan

2.6 The Planning Commission shall serve as a recommending body that provides flexible land development regulations and reviews developments for consistency with the Comprehensive Plan.

2.7 The development regulations element shall encourage the use of flexible development regulations to promote innovative and cost saving site design and protect the environment and streamlined review of applications for development, including permit review and subdivision plat review.

Administrative Flexibility

§ 340-97. Setbacks.



Front setbacks determined administratively based on prevailing pattern along adjacent street front

Administrative Flexibility

§ 340-43. Use Categories - Classifies principal land uses into categories and subcategories, e.g.:

- Residential
- Public, Civic and Institutional
- Commercial
- Wholesale, Distribution and Storage
- Industrial

Zoning Inspector is authorized to classify land uses based on the use category, subcategory

Board of Appeals determines unclassified uses

Administrative Flexibility

§ 340-55. Permitted Uses Table – Uses add, modified, or clarified:

- Accessory Dwelling Units
- Continuing Care Retirement Communities
- Assisted Living/Nursing home
- Micro-producers & Alcohol tasting establishment
- Temporary retail and service uses
- Small wireless communications equipment, microcell networks
- Restaurant, café/coffee house
- Bed-and-breakfast
- Hotel, motel
- Short term rentals
- Historic Vacation Cottages

Administrative Flexibility

§ 340-98. Structure height.



Zoning Change:

Planning Commission may increase the maximum height limit for principal structures up to a maximum of thirty-eight (38) feet where the applicant can demonstrate that the additional height is necessary to comply with Floodplain Management regulations.

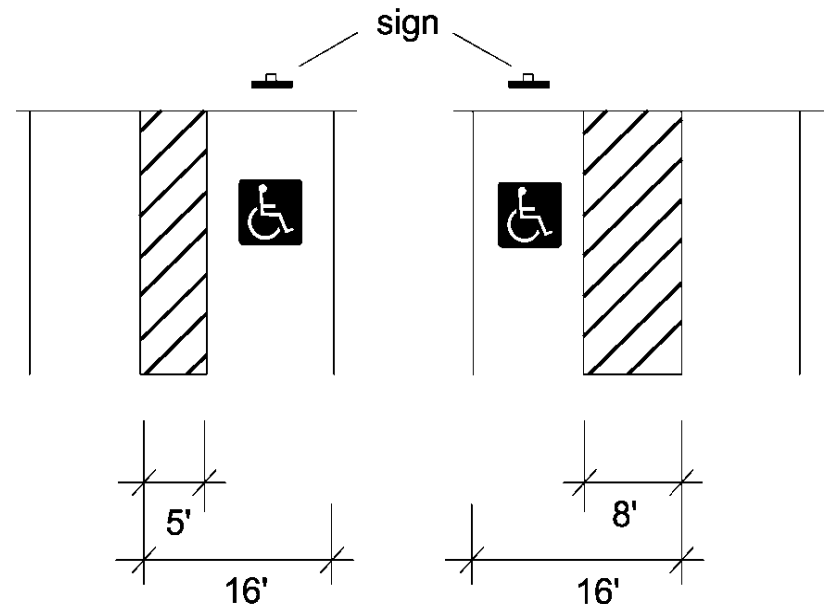
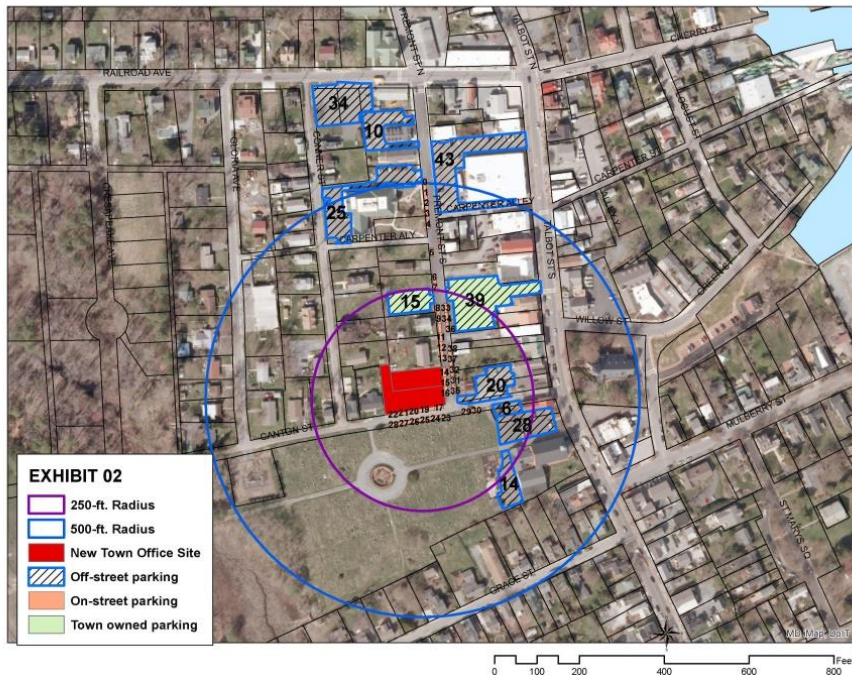
Survey Result

Height increase for structures built in areas likely to be affected by sea level rise.
48% favor, 30% not favor, 22% were undecided.

Administrative Flexibility

2015 St. Michaels Comprehensive Plan

6.7.7 Continue to explore and update the onsite parking requirements, shared use parking areas and business improvement fund requirements for commercial development.



Handicapped Parking Standards

Administrative Flexibility

Article XIV. Off-Street Parking, Loading, and Unloading.

§ 340-146.B Flexibility in administration.

- Planning Commission may reduce or increase off-street parking requirements to fit anticipated demand.

§ 340-148. Shared parking.

- Planning Commission may allow parking facilities to be shared among two or more uses.

§ 340-148.C. Off-site parking.

- Planning Commission may allow parking to be provided at a nearby location for commercial uses.

Revised Sign Provisions

- Added definitions;
- Flexibility re institutional signs;
- Added provisions for coordinated signage joint tenant signs in the HR district;
- Added separate provisions for window signs in the nonresidential districts;
- Added provisions for temporary political, special sale and public events signs;
- Added provisions for Limited Duration Signs, signs display for more than thirty (30) days but not for an indefinite period;
- Revised standards for portable signs; sandwich board A-frame and manual changeable copy signs;
- Expanded the list of prohibited signs; and
- Expanded the list of signs exempt from permit requirements.



Implement the Comprehensive Plan

2015 St. Michaels Comprehensive Plan

10.3.1 Continue to encourage the mixed-use in commercial buildings to include rental units on upper floors of commercial buildings.

§ 340-73. Short term rentals (STR).

Short term rentals are permitted by the Planning Commission in the CC Central Commercial district subject to the following:

- All units are located above the first floor in a principal building;
- An STR license has been issued by the Town;
- The maximum number of people permitted to be on-site is limited to two (2) persons per bedroom;
- All applications require an onsite inspection to verify compliance with all applicable building, fire, and safety codes.

Implement the Comprehensive Plan

2015 St. Michaels Comprehensive Plan

11.1 Encourage design qualities in future redevelopment that reinforce St. Michaels' unique character and identity.

11.1.1 Consider the creation of Design Guidelines for all new development, including residential, commercial and infill/redevelopment, in St. Michaels which will result in re-development that is more sensitive to existing housing and neighborhoods.

11.2 Create landscaping and setback standards for new or expanded commercial uses adjacent to residential zones.



ARCHITECTURAL GUIDELINES

TALBOT STREET HISTORIC AREA
ST MICHAELS, MARYLAND

supported by a grant from The National Endowment for the Arts, December 1987

Design

New Article XVII. Design.

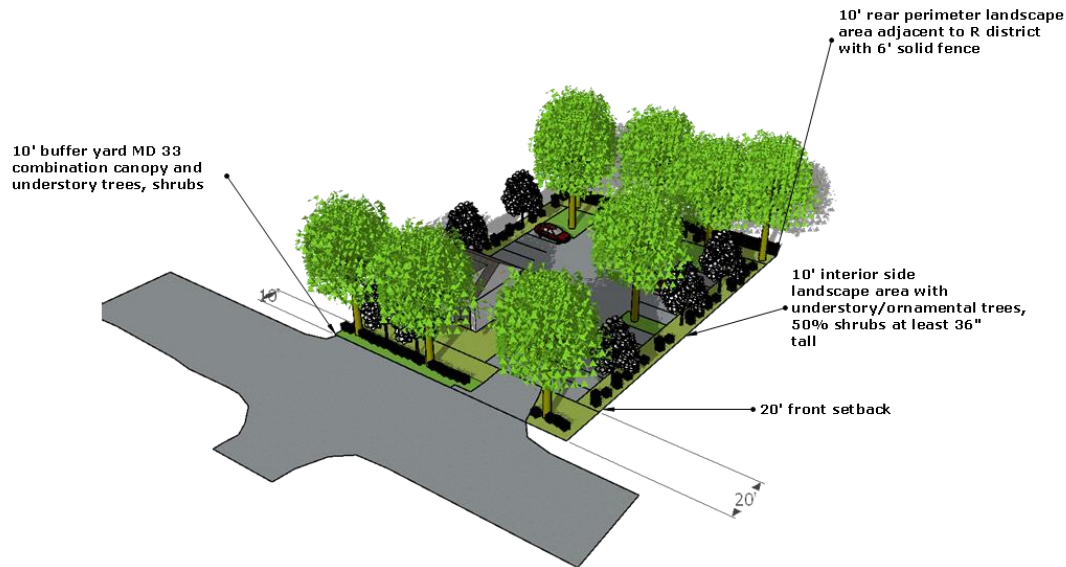
The physical details of the Town, which include building and landscaping elements, intimate views, walkability, and expansive vistas are essential to the definition of the Town's character. These details influence how residents and visitors feel about the Town and need to be preserved and protected.

- Implements the recommendations of the St. Michaels Comprehensive Plan to encourage design qualities that reinforce St. Michaels' unique character and identity;
- Creates design guidelines for development that are sensitive to existing housing and neighborhoods;
- Establishes compatibility standards; and
- Creates incentives for voluntary compliance.

Design

Article XVI. Landscaping, Environmental Standards, and Lighting.

- Moves landscape and buffer standards into Zoning Code;
- Establishes minimum standards for protection of sensitive environmental areas; and
- Establishes minimum site lighting standards.



Implement the Comprehensive Plan

1.6 Recognize the concerns of multi-generational residential needs with consideration being given to accommodations for in-law suites or facilities for care givers.

10.3.2 Explore the use of extended family accommodations through in-home modification or accessory dwelling units in appropriate zones.

- Establish specific criteria to ensure accessory dwelling units contribute to the neighborhood in which they are located.
- Require that the property owner or family of the owner reside in the accessory dwelling unit.
- Require a minimum square footage or density ratio as a prerequisite for a house to be considered eligible for conversion.
- Place a limit on the number of people who can occupy the accessory structure or designating the aggregate number of people to occupy an entire parcel.

Accessory Dwelling Units (ADUs)

Survey Results

- Allow ADUs in residential districts. 44% in favor, 33% opposed, 23% undecided
- Require owner live on the property. 57% in favor, 25% felt not necessary, 18% undecided
- Allow in any residential unit. 40% in favor, 41% felt not every residential property, 19% were undecided
- Restrict ADUs to immediate family members. 49% favor no restriction, 32% restrict to immediate family.
- Limit ADU occupancy to 1-2 persons. 56% favor, 13% would accept 3 or more, 31% answered none should be allowed.

Accessory Dwelling Units (ADUs)

Survey Results

- 82% felt an ADU for a resident caregiver should be allowed. Only 8% disagreed, and 9% undecided.
- 56% responded that ADU occupancy should be limited to 1-2 persons, while 13% would accept 3 or more. 31% answered that none should be allowed.
- 61% of the respondents felt that ADUs should be allowed to be rented for long term use (more than 4 months a year). 24% disagreed. 15% were undecided.
- 50% of the respondents believed that ADUs should not be available for short term rentals (less than 4 months) whereas 36% would be agreeable to use them for short term rentals. 14% were undecided.

Accessory Dwelling Units (ADUs)

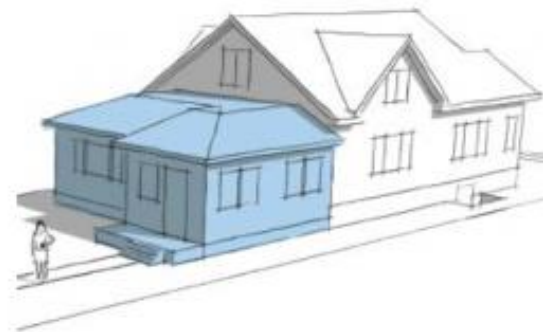
Proposed Standards

- Permit ADUs in the R-1, R-2 and RG districts;
- No more than one (1) accessory dwelling unit per lot;
- Located on a detached single family dwelling lot;
- Owner shall occupy the principal unit;
- Occupancy limited to no more than two (2) persons;
- May not be used for a short term rental;
- Created through converting existing living area, adding floor area to an existing dwelling, construction of a stand-alone unit, or adding onto an existing accessory building (e.g., apartment in an existing garage); and
- Maximum Size - no more than fifty (50) percent of the living area of the principal dwelling or eight hundred (800) square feet, whichever is less.

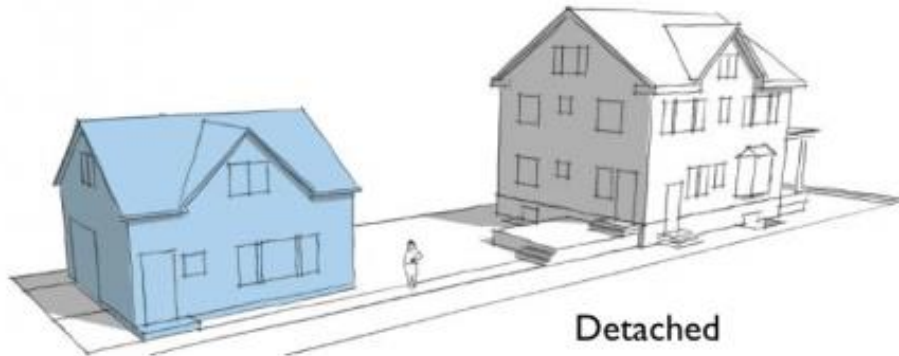
Accessory Dwelling Units ADUs



Internal



Attached



Detached

Review Process

Zoning Committee Review Workshops (25 to date)

- All meeting open to the public
- Public comments accepted

Public Information Meeting – Fall, 2019

Planning Commission Public Hearing(s) – Fall, 2019

Recommendations to Town Commissioners – Fall, 2019

Town Commissioners Public Hearing – Winter, 2019

Adoption by Town Commissioners – Winter, 2020

Public Comment

Public Information Meeting – Fall, 2019

- Verbal & written comments accepted
- Addressed by Review Committee

Planning Commission Public Hearing(s) – Fall, 2019

- Verbal & written comments accepted
- Addressed by Planning Commission

Town Commissioners Public Hearing – Winter, 2019

- Verbal & written comments accepted
- Addressed by Town Commissioners